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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 JOSE LUIS AYALA,

12 Petitioner,

13 v.

14 STEPHEN SMITH, Warden,

15 Respondent.
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Case No. 2:22-06206 ODW (ADS)

ORDER ACCEPTING UNITED STATES
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of
18 Habeas Corpus (Dkt. No. 1), Respondent's Answer (Dkt. No. 24), Petitioner's Traverse
19 (Dkt. No. 29), the Report and Recommendation of the United States Magistrate Judge
20 (Dkt. No. 32), Petitioner's Amended Objections to the Report and Recommendation
21 (Dkt. No. 34), and all the records and files herein. The Court has engaged in a *de novo*
22 review of those portions of the Report and Recommendation to which objections were
23 made. The Court overrules the objections and accepts the findings and
24 recommendations of the Magistrate Judge.

1 Accordingly, IT IS HEREBY ORDERED:

- 2 1. The Report and Recommendation is accepted (Dkt. No. 32);
- 3 2. The Petition is denied and this action is dismissed with prejudice (Dkt. No. 1);
- 4 3. The Certificate of Appealability is denied; and
- 5 4. Judgment is to be entered accordingly.

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7 DATED: February 5, 2024

8 THE HONORABLE OTIS D. WRIGHT, II
United States District Judge